

IN THE DRAWINGS:

Please substitute the attached replacement sheets of formal drawings for the informal drawings that were filed on January 16, 2009:

REMARKS

By the forgoing amendment, applicant has responded to the two outstanding Office Actions of March 10 and March 12, respectively. Of even date herewith is filed a petition for extension of time in order to make this response timely.

Applicants note that the Examiner has objected to the drawings received on 16 January 2009. By the foregoing amendment substitute drawing sheets are submitted herewith for Figs. 1A-1C, 2, 3A-3C, 4, 5 and 6. Approval of the drawings are respectfully requested insofar as the lead lines for reference numeral 21 and 23 do not cross and in Fig. 3A, the lead line leading from reference numeral 14 does not cross the line showing the distance P.

In connection with the Abstract of the disclosure, such Abstract has been amended herein so as to correct the Examiner's objection to the previously filed Abstract.

With regard to the claim objections, applicant has amended the claim heading to recite "I claim" rather than "Claims" and each of claims 3, 6 and 11 have been amended as will be discussed herein below so as to avoid the objections to the previous claims as set for the claim objections.

Reconsideration and withdrawal rejection of claims 1-7 and 10-13 under 35 U.S.C. 112 second paragraph, is respectfully requested in view of the foregoing amendments and the following comments.

Claim 1 has been amended so as to make it clear that it is a joint "between two panels" which is being claimed by the instant claims. The joining profile has been further defined as comprising an elastic material with support being found in the original disclosure on page 6, lines 16-18. The objection of the term "it" has been replaced by the term "the joining profile" and in view of the amendment of the preamble of the claim, the last line of claim 1 has been amended to refer to "the two panels".

As the Examiner has criticized the applicant's use of the term "a first and second snapping tongues" in claim 2, applicant has amended claim 1 to recite that the joining profile is provided with "at least one tongue" and claim 2 further modifies claim 1 in reciting of the joining profile "comprises a first, and a second, snapping tongues". Not only has the limitation of a first and second tongue been added, but also that the tongues are "snapping" which are limitations not found in the claim 1 upon which claim 2, is dependent. Support for snapping tongues is found on page 4, lines 6-3, from the bottom of the page. The period has been reinstated in claim 3, which was inadvertently omitted in the previous Amendment and the term "sides" in claim 2, has been corrected to recite "side". In view of the amendment of the preamble of claim 1, claims 5 and 6 has been amended to refer to "the two panels" and claim 6 has been further amended to insert the word "a" before horizontal as suggested by the Examiner.

The Examiner's objection to the term "its" (claims 7 and 11) has been avoided in the amended claims by the use of the term "the panel's" (possessive) respective distal edges. Applicant respectfully submits that claim 1-7 and 10-13, particularly point out distinctly claimed the subject matter which applicant regards as the invention and thus conforms to 35 U.S.C. 112, second paragraph.

Reconsideration and withdrawal of the rejection of claims 1-3, 5-7 and 10-12 under 35 U.S.C. 102 (b) as anticipated by Byers (U.S. Patent 2,282,559) is respectfully requested in view of the following comments.

Firstly, applicants directs the Examiner's attention to the meaning of "anticipation" as provided in the guidelines promulgated by the Director to the Examining Corp in MPEP section 2131. Thus, anticipation is only possible where there is a "identity" between the reference and the claimed invention. Byers clearly does not provide such an identity.

More specifically, amended claim 1, requires that the drawing profile comprise an elastic material. The element 13 of Byers, is referred to as "metal staple" e.g., See page 2,

left hand column, line 33-34 and thus is not an elastic material. Furthermore, although the Examiner stated that the limitation of previous claim 5 i.e., that the tongue and groove are configured to limit the movement in a vertical rejection, such is not so. Clearly, in Byers the tongue and groove permit vertical separation even in the presence of staple 13 although both staple 13 and the tongue and groove element themselves do tend to limit movement in a horizontal direction (claim 6). Further, there is absolutely no disclosure of the limitation of the previous claims 10 and 11 in Byers. Clearly, in Byers, the presence of the staple and the environment shown in Fig. 2 thereof, does not even permit the staple to be placed under pressure even when the panels are forced together. Note the difference in sizes between the apparent space between the panels and the clearance in the vertically disposed holes 14 between the staples 13 and the holes. Furthermore, there is absolutely no teaching of the presence of the “snapping tongue” in the staple 13 of Byers because the staple fits freely within the vertically disposed holes 14 and does not in any way “snap” into such holes. Thus, the limitations of previous claim 2 (and all claims directly or indirectly dependent thereon) are not met by the Byers teaching. For all the forgoing reasons, withdrawal of the rejection of the claims as allegedly anticipated by Byers is respectfully requested.

Reconsideration and withdrawal of the rejection of claims 4, under 35 U.S.C. 103 (a) as being unpatentable over Byers is respectfully requested.

As noted herein above claim 4 (indirectly dependent on claim 2) requires a snapping tongue. There is no teaching of a “snapping tongue”, as required in claim 2, upon which it depends in Byers. Because such element does not exist in Byers, claim 4 can not be made obvious, not only because Byers fails to explicitly disclose that the plays in the range 0.05-1mm but because Byers neither has a snapping tongue or an elastic material in the disclosure of his metal staples 13. Withdrawal of the rejection is therefore respectfully requested.

Reconsideration and withdrawal of the rejection of claims 12 and 13 under 35 U.S.C. 103 (a) as being unpatentable over Byers (discussed above) and further in view of Cordes (DE 33 04 992) is respectfully requested.

As noted herein above, claims 12 and 13 are ultimately dependent on claim 2, which requires the presence of snapping tongues on the joining profile. As noted above, Byers does not have such snapping tongues and thus, even if Cordes was alleged to provide the teaching attributed to it by the Examiner in the rejection, such does not overcome the deficiency of Byers with regard to the absence of snapping tongues nor the use of elastic material as a joining profile. For all the foregoing reasons, claims 12 and 13 are also not prima facie obvious over the combination of references. Withdrawal of the rejection is therefore respectfully requested.

Having fully responded to the preceding Office Action, favorable reconsideration and withdrawal of all rejections set forth therein are respectfully requested.

A petition for extension of time for one-month expiring July 10, 2010, is hereby requested.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 14-1437, under Order No. 8688.048.US0000.

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Respectfully submitted,



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